

Before the
Federal Communications Commission
Washington, D.C. 20554

FILED/ACCEPTED

JUN 24 2011

Federal Communications Commission
Office of the Secretary

In the Matter of)	
)	
EDDIE FLOYD)	MB Docket No. 10-157
)	NAL/Acct. No. 201041410018
Licensee of FM Translator Station K273AF,)	FRN: 0011733425
Carson City, Nevada)	
)	Facility ID No. 13529
EDDIE FLOYD)	
)	
and)	
)	
WILKS LICENSE COMPANY-RENO)	
LLC)	
)	
For Assignment of License of FM Translator)	File No. BALFT-20070904ACU
Station K273AF, Carson City, Nevada)	
)	
EDDIE FLOYD)	
)	
For Modification of License of FM Translator)	File No. BMLFT-20071218ABH
Station K273AF, Carson City, Nevada)	

To: Chief Administrative Law Judge
Richard L. Sippel

ENFORCEMENT BUREAU'S COMMENTS ON
JOINT MOTION TO TERMINATE PROCEEDING

1. On June 20, 2011, Eddie Floyd ("Floyd") and Wilks License Company-Reno LLC ("Wilks") jointly filed a Motion to Terminate Proceeding ("Motion"). The Chief, Enforcement Bureau, by her attorneys, hereby comments on the Motion.

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2. On August 5, 2010, the Commission commenced the above-captioned hearing proceeding to determine whether Floyd is qualified to be and remain a Commission licensee and, as a consequence thereof, whether his license for FM Translator Station K273AF, Carson City, Nevada, should be revoked and his captioned applications should be granted.¹ By *Order*, FCC 10M-21 (ALJ, rel. Dec. 3, 2010), the Presiding Judge granted Floyd's request to stay the proceeding to allow Floyd time to avail himself of relief under the Commission's *Second Thursday* policy.

3. Three months later, on March 3, 2011, Floyd submitted to the Media Bureau an application for Commission consent to assign the license of Station K273AF from Floyd to The Evans Broadcast Company, Inc. ("Evans") and a Petition for Extraordinary Relief in which he requested *Second Thursday* consideration.² On April 18, 2011, the Media Bureau granted the Floyd/Evans assignment application and the Petition for Extraordinary Relief, concluding that Floyd had satisfied the requirements for relief under *Second Thursday*.³ Floyd consummated his transaction with Evans on June 14, 2011.⁴

4. In their instant Motion, Floyd and Wilks request termination of the hearing proceeding. In support, they state that Floyd is no longer the licensee of the captioned station,

¹ See *Eddie Floyd*, Order to Show Cause, Hearing Designation Order, and Notice of Apparent Liability for a Forfeiture, 25 FCC Rcd 11348 (2010).

² On April 4, 2011, the Media Bureau dismissed the two captioned applications at Floyd's request. See Public Notice, Report No. 47460, released April 7, 2011.

³ See *Eddie Floyd*, Memorandum Opinion and Order, 26 FCC Rcd 5993 (MB, rel. Apr. 18, 2011). The Media Bureau denied that part of Floyd's Petition for Extraordinary Relief which sought termination of the instant proceeding. The Media Bureau properly determined that disposition of the instant hearing proceeding is a matter to be determined by the Presiding Judge.

⁴ See Floyd Consummation Notice filed June 14, 2011.

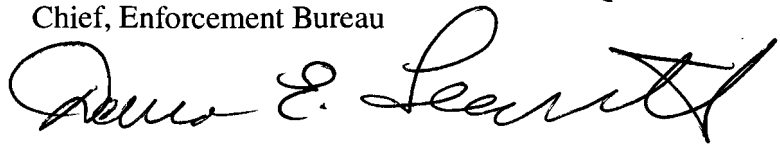
having assigned the license to Evans. Furthermore, Floyd and Wilks represent that neither of the captioned applications remains pending. Consequently, they maintain that there is nothing more to be resolved in this proceeding.

5. The Bureau agrees. Having assigned the license for Station K273AF to Evans, it is the Bureau's understanding that Floyd no longer holds, or has an interest in, any Commission authorization. Although there are unresolved issues regarding Floyd's basic character qualifications, such issues may be revisited in the event that Floyd seeks in the future to become a Commission licensee.⁵

6. Accordingly, the Enforcement Bureau does not oppose termination of the captioned hearing proceeding.

Respectfully submitted,

P. Michele Ellison
Chief, Enforcement Bureau

A handwritten signature in black ink, appearing to read "Dana E. Leavitt", with a stylized flourish at the end.

Dana E. Leavitt
Special Counsel

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June 24, 2011

⁵ In addition, any residual questions that the Bureau may have regarding Wilks's conduct before the Commission may be addressed via a staff investigation.

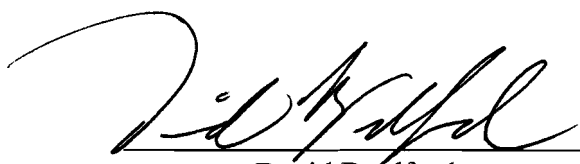
CERTIFICATE OF SERVICE

David Bradford, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has, on this 24th day of June, 2011, sent by first class United States mail, or delivered by hand, copies of the foregoing "Enforcement Bureau's Comments on Motion to Terminate Proceeding" to:

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* Courtesy copy served via e-mail